

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28865 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- BAJPATTI District- Sitamarhi

RAM SUMIRAN MANDAL Son of Late Shri Kishun Mandal Resident of
Village - Humayunpur, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-12-2020 The learned counsel for the petitioner and learned A.P.P.
for the State Mr. Pranav Kumar were heard at length yesterday
and today the present case has been listed 'For Orders'.

The petitioner seeks regular bail in connection with
Bajpatti P.S. Case No. 129 of 2020 for the offence punishable
under Sections 376, 511 and 354(B) of the Indian Penal Code
and Section 8 of the POCSO Act.

The allegation is regarding the petitioner having caught
hold of the informant who is 12 years old and having taken her
into the fields where he had tried to rape her, however, upon
alarm being raised, the mother and father of the informant as
also other villagers had arrived there and had caught the
petitioner whereafter the police had taken him into custody.

The learned counsel for the petitioner has submitted that



the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 20.04.2020. The learned counsel for the petitioner has further submitted that the petitioner is 72 years old and cannot even think of committing such kind of occurrence and in fact he has been falsely implicated in the present case inasmuch as some altercation had taken place in between the parties on account of land dispute.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having considered the submissions of the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the statement of only the mother, father and relatives has been recorded by the police, however, the victim has stated in her statement that other villagers had also arrived upon her having raised alarm, nonetheless none of them has been examined by the police, hence I find that benefit of doubt can be given to the petitioner considering his age, thus I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Sitamarhi in connection with Bajpatti P.S. Case No. 129 of 2020.

(Mohit Kumar Shah, J)

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